IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3186 OF 2003
IN
SUIT NO.2216 OF 1995

M/s.S.M. Dychem Ltd. ....Plaintiff
V/s.
M/s.Ajit Synthetics ....Defendant

Mr.C.D. Patel i/b Mr.P.M.A. Nair for the Plaintiff.
None for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH OCTOBER, 2005.

P.C. :

1. This is a Notice of Motion for restoration of the suit which was dismissed for default on 30th September, 2003. On 2nd September, 2003, 16th September, 2003 and 30th September, 2003, the Plaintiff and its advocate remained absent.

2. There is no explanation as to why the Plaintiff and its advocate remained absent. In the affidavit in support, all that is stated is that on 30th September, 2003 the Plaintiff could not produce the supporting documents. It is further stated that the case papers were misplaced and as such the Plaintiff could not produce the relevant documents and

that therefore, the suit was dismissed in default. This is contrary to the record. The suit was dismissed as nobody appeared for the Plaintiff. There is thus no explanation whatsoever for the Plaintiff remaining absent. In the circumstances the Notice of Motion is dismissed.